

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**HILARIO RAZURA JIMENEZ, JOSE)
MANUEL GUERRERO GOMEZ,)
J. REFUGIO CASTELLON LUNA,)
GUILLERMO BERNAL ORTEGA,)
RIGOBERTO TORRES GUERRERO,)
DIEGO FLORES CICERNOS,)
RUBEN MADERA CANALES, LUIS A)
ALBERTO MEDINA AYON, ALVARO)
MORALES VILLEGAS, MELCHOR)
JAVIER CASTANEDA GALLARDO,)
JOSE CASIMIRO BENAVIDES)
FRIAS, EDGARDO IBARRA RUIZ,)
HUGO IGNACIO IBARRA RUIZ,)
MIGUEL ANGEL GOMEZ NUNO,)
OSCAR RODRIGUEZ GOMEZ,)
and TEODULO HUIZAR MADERA)**

Civil Action No. 3:11-0276

Jury Demand

Plaintiffs,

v.

**VANDERBILT LANDSCAPING LLC,)
LARRY VANDERBILT SR., JOFFREY)
VANDERBILT, ONESOURCE)
LANDSCAPE AND GOLF SERVICES,)
INC., ABM SERVICES INC, and ABM)
INDUSTRIES, INCORPORATED)**

Defendants.

MOTION TO DISMISS COUNTERCLAIMS BY LARRY VANDERBILT SR.

AND JOFFREY VANDERBILT

Plaintiffs/Counter-Defendants, Hilario Razura Jimenez, et al, (“Plaintiffs”), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court dismiss Defendant’s Counterclaims (*Dkt. No. 15*). As grounds for this

Motion, Plaintiffs rely on their Memorandum in Support filed contemporaneously herewith.

DATE: May 31, 2011

Respectfully Submitted,

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CERTIFICATE OF SERVICE

This is to hereby certify that I have this the 31st day of May electronically filed the above with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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Dated May 31, 2011

s/ Charles P. Yezbak, III
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